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Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid

Addendum

Mission to Benin* ** ***

Summary

In this report, the Special Rapporteur examines the question of the sale and sexual exploitation of children in Benin and the system for the protection of children in the light of international standards relating to the rights of the child. On the basis of information gathered before, during and after her visit to the country from 28 October to 8 November 2013, she presents an analysis of the situation and of the replies provided and makes practical recommendations to prevent these phenomena and to effectively protect children from sale and from sexual abuse and exploitation.

* The summary of the present report is circulated in all official languages. The report itself, which is annexed to the summary, is circulated in the language of submission and in English only.
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Annex

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Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to Benin (28 October–8 November 2013)

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I. Introduction

A. Conduct of the visit

1. The Special Rapporteur on the sale of children, child prostitution and child pornography conducted an official visit to Benin from 28 October to 8 November 2013. She visited the cities of Cotonou, Abomey-Calavi, Porto Novo, Parakou, Comè, Lokossa and Applahoué.

2. The Special Rapporteur would like to thank the Government of Benin for organizing the meetings with the various authorities and for its cooperation before, during and after the visit.

3. The Special Rapporteur spoke with the Minister for Foreign Affairs, African Integration, Francophonie and Beninese Abroad. She met with representatives of the Ministry of Justice, Legislation and Human Rights, the Ministry of the Family, Social Affairs, National Solidarity, Persons with Disabilities and Older Persons, the Ministry of Development, Economic Analysis and Planning, the Ministry of Microfinance and Youth and Women's Employment, the Ministry of Nursery and Primary School Education, the Ministry of Secondary School, Technical and Vocational Training, Retraining and Integration of Young Persons, the Ministry of Culture, Literacy, Handicrafts and Tourism, the Ministry of Labour and the Civil Service, the Ministry of Administrative and Institutional Reform and Social Dialogue and the Ministry of Health; with representatives of the Central Office for the Protection of Minors (OCPM), the Central Office for the Suppression of Cybercrime, the vice squad, the national headquarters of INTERPOL and the intelligence service; with representatives of the departmental directorates of the family, the prefectures, the municipal councils, the Social Advancement Centres and centres for the protection of children and adolescents, as well as with members of the judicial system, the police and the gendarmerie at local level; and with the national unit to monitor and coordinate child-protection activities and the National Commission on Children's Rights.

4. The Special Rapporteur spoke with United Nations representatives in Benin, including the Acting Resident Coordinator and Representative of the United Nations Population Fund, the Representative of the United Nations Children's Fund (UNICEF) and her team and representatives of the United Nations Development Programme (UNDP), the World Health Organization (WHO), the Food and Agriculture Organization (FAO) and the Office of the High Commissioner for Refugees (UNHCR).

5. She met with members of civil society and visited care centres for children in difficulty.[1] She also met with children in difficulty and child victims and with associations of young people active in prevention activities.

B. Context

6. Independent since 1960, Benin began its democratic transition in 1990. It is divided into 12 departments, which are subdivided into 77 districts, and it had approximately 10

[1] Centre d'accueil de l'OCPM, Centres d'accueils des Sœurs salésiennes à Cotonou (Maison de l'espérance, Maison du soleil, Foyer Laura Vicuña), SOS Village enfants et Fondation Regard d'amour à Abomey-Calavi, Centre d'accueil et d'écoute du Bénin, Centre Don Bosco et CIPCRE à Porto Novo, Centre Saint-Joseph de Parakou, Centre Notre-Dame-le-Refuge de Komiguéa, Centre d'Accueil PDDHE à Lokossa.

million inhabitants in 2013. Benin's population is very young (46.97 per cent under 15 years of age), with a female majority (51.2 per cent).[2] According to the Demographic and Health Survey 2011–2012 (EDSB-IV), the fertility rate is estimated at 4.9 children per woman; it is much higher in rural areas (5.4 children per woman) than in urban areas (4.3 children).[3]

7. The national economy has been adversely affected by the global economic slowdown, and Benin continues to be heavily dependent on foreign aid. Despite the Government's efforts to improve social services, many development indicators have fallen short of expectations. According to UNDP, the poverty rate is 36.2 per cent.[4] The country is stagnating at the bottom of the human development index, where it ranks 166 out of 187.[5] A study on vulnerability in Benin conducted in 2009 revealed that 44 per cent of children under 5 years of age live in the poorest households.[6] Many natural disasters (floods, droughts etc.) in Benin in recent years have caused frequent humanitarian crises which have contributed to aggravating the precarious situation of vulnerable population groups, notably women and children.

8. Notwithstanding some progress, the administration of the country continues to be ineffective and very centralized, despite a legislative and regulatory framework that is favourable to decentralization, but in which accountability and the obligation to produce results are sorely lacking. According to a survey conducted in 2008 by the anti-corruption observatory, corruption in Benin has a heavy impact on the functioning of the administration. These problems of governance, together with poor institutional capacities, are a major obstacle to the protection of children.

II. Analysis of the situation

A. Extent and forms of sale of children, child prostitution and child pornography

9. It is impossible to reflect in exact figures the actual extent of the sale and sexual exploitation of children in Benin because of the clandestine nature of these phenomena, a lack of centralized and disaggregated data and, above all, the very small number of reports, but the problem has been recognized by all stakeholders interviewed.

1. Sale of children

10. The sale of children in Benin was not presented as a major problem during the visit, although it is at times difficult to distinguish it from the alarming phenomenon of trafficking in children, the seriousness of which is recognized. With regard to sale for international adoption, the Ministry of Justice has stated that international adoptions have

[2] Institut national de la statistique et de l'analyse économique (INSAE) 3e et 4e recensements généraux de la population et de l'habitation, 2002 et 2013, respectivement (www.insae-bj.org/recensement-population.html).

[3] Ministère du développement, de l'analyse économique et de la prospective, INSAE, *Enquête démographique et de santé (EDSB-IV) 2011–2012*, p. 73 (www.insae-bj.org/enquete-demographique.html).

[4] www.bj.undp.org/content/benin/fr/home/countryinfo/.

[5] PNUD, *Rapport sur le développement humain 2013*, p. 158.

[6] Programme alimentaire mondial (PAM), UNICEF et INSAE, *Analyse globale de la vulnérabilité, de la sécurité alimentaire et de la nutrition* (AGVSAN), mai 2009, p. 53 (www.unicef.org/wcaro/documents_publications_3241.html).

been suspended pending the adoption of the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption and the harmonization of national legislation with the relevant international standards.[7] However, during visits to centres that take in children awaiting adoption, the Special Rapporteur was told that international adoptions were continuing. Although the Family Code makes provision for a strict adoption process, the Special Rapporteur stressed the importance of establishing an independent oversight mechanism in this regard.

11. The Special Rapporteur was concerned about the persistence, in particular in certain rural areas, of the practice of early marriage, which is sometimes regarded as a family survival strategy. According to the Demographic and Health Survey 2011–2012, in Benin 8 per cent of girls under 15 and 34 per cent of girls under 18 years of age are married.[8] According to the Departmental Directorate of the Family, in Parakou there were 54 cases of early/forced marriages in 2012 and 172 cases between January and September 2013.

12. All stakeholders interviewed referred to the problem of "vidomégon"[9] children (children placed in families which traditionally are responsible for their care, and their education in particular) exploited at the Danktopa market in Cotonou, the biggest open market in western Africa. According to a study by UNICEF, 4,677 children (including 3,776 girls) are working at the Danktopa market, 2,149 children (including 1,669 girls) at the Ouando (Porto Novo) market and 1,056 children (including 732 girls) at the Arzeke market in Parakou; 54 per cent of these children are under 14 years of age.[10] According to Plan International,[11] 90 per cent of vidomégon children do not go to school. They are employed at markets, in the street trade, in handling and in cleaning of stands, in addition to performing unpaid domestic tasks. Today this tradition supplies child sale and child trafficking networks. Employers and intermediaries go directly to the villages to collect these children.

13. The Special Rapporteur was also informed about the growing phenomenon of missing children. According to OCPM, 233 children were reported missing in the first half of 2013, and 521 in 2012. OCPM registered 370 cases of abductions of minors in 2011 and 375 cases in 2012. The Special Rapporteur has not received any information on action taken on those cases.

2. Child prostitution

14. The phenomenon of sexual exploitation of children in Benin was acknowledged by all stakeholders interviewed, although the Special Rapporteur was not provided with any figures. There was universal agreement that the problem existed, but that it was carefully concealed, and even "disguised". In its national plan of action for the elimination of the worst forms of child labour 2012–2015, the Ministry of Labour also recognized the phenomenon.

15. Young vidomégon girls, in addition to being exploited economically, reportedly are often victims of occasional and "informal" prostitution. It was reported that some sell their

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[7] La procédure en vue de l'adhésion du Bénin à la Convention de la Haye de 1993 est en cours. L'examen du projet de loi est inscrit à l'ordre du jour de la 1re session 2014 de l'Assemblée nationale.

[8] EDSB-IV (voir supra la note 3).

[9] Enfants confiés à des familles, traditionnellement chargées de les prendre en charge, en particulier leur éducation.

[10] Recensement des enfants en situation de travail dans les marchés Danktopa, Ouando et Arzeke, UNICEF, juillet 2013.

[11] Analyse de situation, Plan International.

bodies to market guards in exchange for a place to sleep at night, and that others are forced to prostitute themselves to earn the money which they were unable to make during the day, and thus avoid being subjected to violence by their guardians.

16. According to information from the vice squad, of the 100 persons arrested in the vicinity of Cotonou in 2012, 2 were minors. The vice squad intervenes primarily in inns, hotels and motels in and around Cotonou. According to the vice squad, soliciting takes place primarily in discotheques. The Parakou chief of police referred to the case of five girls who were victims of sexual exploitation around the market in 2013. The perpetrators were not arrested.

17. According to the Department of Tourism, the number of child victims of sexual tourism has been growing in the department of Littoral. Police officers referred to cases of young girls who were sexually exploited in certain tourist areas.

18. A study conducted by the NGO Terre des Hommes on child mobility between Lomé and Cotonou stressed the risks of sexual exploitation facing these children. According to the report, in Vogan cases have been observed of young girls in transit who are victims of prostitution. They sell their bodies so that they can pay for motorcycle taxis. According to the report, more than one girl in two engages in these activities in bars along their route, which are ideal places for recruiting girls for sexual exploitation.[12]

19. The Special Rapporteur stressed that official data disaggregated by sex, profile, age and status of the victims, as well as on arrested and convicted perpetrators, are insufficient for providing accurate figures on sexual exploitation of children. In her view, it is essential for all stakeholders to conduct a national study in order to have a better understanding of the phenomenon and its scale. Such a study could also serve as a basis for an initial report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which Benin has not yet submitted.

3. Child pornography

20. The Special Rapporteur obtained very little information concerning the dissemination of pornographic material involving children. However, some stakeholders expressed concern at the growing risk of sexual exploitation online, given the proliferation of Internet cafes, concerning which there is very little supervision because of the limited capacity of the Central Office for the Suppression of Cybercrime. The phenomenon of "video clubs", which for a modest fee show films with content inappropriate for children, also gives cause for concern.

21. A number of officials, police officers and representatives of civil society have reported several cases of children who photographed themselves naked and sent each other the images by mobile telephone; the images are then circulated. No action is taken on these cases, because the Central Office for the Suppression of Cybercrime does not have the technical means to carry out investigations.

4. Trafficking in children

22. Trafficking of children within Benin and to neighbouring countries is a phenomenon of alarming proportions. According to the study conducted in 2007,[13] 40,317 children aged

[12] «Étude sur les itinéraires de migration des enfants en situation de mobilité entre Lomé (Togo) et Cotonou (Bénin)», Terre des Hommes, mars 2013.

[13] «Étude nationale sur la traite des enfants», Ministère de la famille et de la solidarité nationale-UNICEF, novembre 2007.

6 to 17 were identified as trafficking victims, including 92 per cent who were trafficked domestically, the majority of whom were girls (86 per cent).

23. In 7 cases out of 10, family members are involved in recruiting the children, who come from poor families and large households and who in most cases have never gone to school or have dropped out. These children are found in domestic employment, commerce, agriculture and the handicrafts. They work every day, from 5 or 6 in the morning until late at night. In one case in two, they sleep at the workplace. They are malnourished and are often ill-treated.

24. Virtually all the country's districts, 62 out of 77, supply this trafficking. Cotonou and the main district towns are both destinations and places of transit. Transnational trafficking follows two routes: the more developed one goes east to Nigeria and on to Gabon, and the other goes west to Togo, Ghana and Côte d'Ivoire. A new route has appeared to the north to Niger, Mali and Burkina Faso, eventually leading to the Maghreb and western Europe.

25. During the first half of 2013, OCPM registered 103 cases of trafficking involving minors (74 girls and 29 boys). In 2012, it registered 159 cases. According to the Departmental Directorate of the Family, there were 95 cases of trafficking in children in Parakou in 2012 and 262 cases between January and September 2013.

5. Sexual abuse

26. All stakeholders interviewed referred to the shocking number of child victims of sexual abuse, in particular girls in school, but also at places of occupational training, in families, at markets and construction sites, in voodoo convents[14] and other places of worship, at video clubs and in the street. OCPM registered 61 cases of rape of minors (including 3 resulting in pregnancy) in 2011, 89 (25 pregnancies) in 2012 and 52 (19 pregnancies) in the first half of 2013. The Parakou Departmental Directorate of the Family reported 31 cases of sexual harassment and 50 cases of rape of minors in 2012, and 62 cases of sexual harassment and 57 cases of rape of minors between January and September 2013. According to the Mono-Couffo Departmental Directorate of the Family, in 2012, 620 schoolgirls had a first pregnancy.

27. A large part of the study on violence against schoolchildren in Benin[15] focused on sexual violence. In schools, 9.3 per cent of children reported that they had been the victims of sexual violence. The Special Rapporteur was told that sexual harassment and abuse by teachers, but also by other pupils, is frequent in the school environment. Some teachers reportedly promised good marks in exchange for sexual relations. The phenomenon has become such a problem that it has been the subject of a number of interministerial decrees.[16]

28. The Special Rapporteur is outraged that such abuses are occurring at schools, which should provide a protective environment. In addition to causing irreversible physical and psychological harm, these abuses lead to an alarming number of early pregnancies (with at

[14] Le couvent vaudou est une structure close où se déroule la formation des adeptes de la religion vaudou. Les initiés n'ont pas le droit de révéler ce qu'ils ont vécu ou vu au couvent.

[15] Sodjinou, E., Houeto-Tomety, A., Tomety, S., *Étude sur les violences contre les enfants en milieu scolaire au Bénin*, Ministère des enseignements maternel et primaire (MEMP), UNICEF, Laboratoire d'ingénierie de formation et d'assistance en développement local, Cotonou, Benin, octobre 2009.

[16] Arrêtés interministériels no 16/MEPS/METFP/CAB/DC/SGM/SA du 1 octobre 2003, et no 259/MESFTPRIJ/CAB/DC/SGM/DES/SA 25 mai 2012 portant sanctions à infliger aux auteurs de violences sexuelles dans les écoles et établissements d'enseignements secondaires général, technique et professionnel, publics et privés.

times fatal complications), with the result that the girls drop out of school. Persons active in child protection in Benin often referred to the "epidemic of pregnancies" in schools. According to the Departmental Directorate of the Family, in 2012, 529 pregnancies were recorded among the 8,733 girls enrolled in secondary school in Parakou, 303 among the 2,852 girls in Bembèrèke and 686 among the 3,240 girls in Nikki.

B. Causes and risk factors

29. The factors underlying the sale and sexual exploitation of children are numerous and interrelated. They are linked to supply (families in great difficulty, poverty, lack of economic opportunities, problems of access to basic social services, school dropout, unsafe access to the Internet and certain social norms) and demand (growing demand for sexual services involving children, increasingly structured exploitation networks, rapid and frequent evolution of destinations for child sex tourism).

30. Some categories of children are more vulnerable: children without birth certificates, children living on or roaming the streets, migrant children, juvenile workers, vidomégon children, abandoned children and orphans, children placed in institutions and children who are victims of sexual abuse within the family.

31. The Special Rapporteur noted that the registration of births continues to be a major problem in Benin, despite considerable progress made in recent years. According to the Demographic and Health Survey 2011–2012, the national rate rose from 60 per cent in 2006 to 80.2 per cent in 2011. However, disparities have been observed depending on the department and income. In Alibori, for example, only 37 per cent of children have a birth certificate.

32. The Special Rapporteur noted with concern the scale of the phenomenon of abandoned children and children rejected at birth. So-called "witch children"[17] are sometimes even killed for fear that they bring bad luck. OCPM registered 161 cases of abandoned children in the first half of 2013, 537 in 2012 and 484 in 2011.

33. The quality of teaching is very deficient and is aggravated by teacher absenteeism and strikes (three months in 2012). According to an evaluation of educational achievement,[18] only 30 per cent of children have learned to read and write correctly by the end of primary school. Despite free primary school education, some fees persist. The educational system does not seem to be well adapted, from the point of view of either curriculum or school hours. Some children must walk miles to school. There are also considerable disparities between regions.

34. The national survey on child labour (ENTE)[19] showed that about one child in three (34 per cent) works. This finding conceals disparities between departments. Donga and Collines have the highest percentage of child labour: 76.1 per cent and 70.2 per cent, respectively, as against 9.8 per cent in Littoral and 10.2 per cent in Atlantique. Child labour is essentially a rural phenomenon. Most of these children work in the agricultural sector

[17] Si le bébé est prématuré, albinos ou né par le siège, ou si ce sont les dents du haut qui poussent en premier.

[18] Rapport de présentation des résultats de l'évaluation sur les acquis des élèves du CP et du CM1 dans les écoles primaires publiques et privées du Bénin (Évaluation Garnier et Benou), novembre 2011, révision février 2012.

[19] BIT, INSAE, *Enquête nationale sur le travail des enfants au Bénin – 2008 : rapport final*, Programme international pour l'abolition du travail des enfants (IPEC), Organisation internationale du Travail, INSAE, Cotonou, OIT, 2009, p. xv.

(64.5 per cent) and in services (28.7 per cent). Child labour interferes with schooling and causes irreversible harm to children's health and development. These children work 23.6 hours a week on average; 90.1 per cent of them are forced to perform work that is to be abolished, and 69.3 per cent perform dangerous work.[20]

35. The Special Rapporteur also expressed concern about the persistence of practices harmful to children, including infanticide, rites of initiation and forced confinement in voodoo convents, corporal punishment, excision, the treatment of "witch children", early and forced marriages and the treatment of talibé children (children in Koranic schools who are forced to beg by their religious teachers).

36. A survey conducted in 2011 by UNICEF identified 372 children, including 66 per cent girls, undergoing rites of initiation in 157 voodoo convents in the department of Atlantique. The duration of the initiation could attain and even exceed three years, a period equivalent to half the duration of primary school education. The survey revealed that initiation is increasingly expensive, as much as 1 million CFA francs.[21] Serious suspicions were voiced about possible sexual violence perpetrated in these convents.

37. The 2007 national policy and strategies document on child protection revealed that the phenomenon of street children, both *talibé* and otherwise, is widespread in cities.[22] According to the Yearbook of Social Indicators published in September 2010 by the Ministry of the Family, the majority of street children registered in the context of this survey are boys (71 per cent). This phenomenon is more prevalent in the departments of Litteral (25 per cent) and Ouémé (33 per cent). The Special Rapporteur regretted that very few programmes target street children.[23]

38. As demonstrated in the 2009 survey,[24] violence against children continues to be widespread in all private and public schools. More than 89 per cent of schoolchildren have been victims of one form of violence, 55 per cent have been victims of corporal punishment, and 30 per cent have been beaten, slapped or hit outside the school environment.

III. Measures to combat and prevent the sale of children, child prostitution and child pornography

A. Regional and international human rights instruments

39. Benin ratified the Convention on the Rights of the Child in 1990 and its two optional protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict in 2005.

40. In 2001, Benin ratified the International Labour Organization (ILO) Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138) and the

[20] Ibid.

[21] UNICEF, ANDRCT, *Étude exploratoire des conditions d'admission et d'initiation des enfants adeptes du vodun dans les couvents traditionnels de l'Atlantique: cas des communes d'Allada, Tori, Kpomassè, Toffo, et Zè dans le département de l'Atlantique*, septembre 2011, p. 18 à 20, p. 31 à 33, et 37 à 39.

[22] www.offebenin.org/documents/politique/DraftStrategieprotectionenfant.pdf.

[23] Soumission pour l'examen périodique universel de Plan International, Terre des Hommes, Close et ReSPED, octobre 2012. (http://lib.ohchr.org/HRBodies/UPR/Documents/Session14/BJ/JS3_UPR_BEN_S14_2012_JointSubmission3_E.pdf).

[24] Voir supra la note 15.

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182). In 2004, it ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). The Special Rapporteur strongly urged Benin to ratify the 1993 Hague Convention.

41. Benin is a party to most international human rights instruments but has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families or the International Convention for the Protection of All Persons from Enforced Disappearance (signed in 2007).

42. Benin is a member of the African Union and has ratified several of its treaties, charters, conventions and protocols, including the African Charter on the Rights and Welfare of the Child in 1997 and the African Charter on Human and Peoples' Rights and the Constitutive Act of the African Union in 1986.

B. National legal framework

1. General legal framework for the protection of children

43. Benin has made considerable progress in strengthening its legal framework for the protection of children. Article 26 of the 1990 Constitution stipulates that the State must protect the family, and mothers and children in particular. The Code on Persons and the Family, adopted in 2004, has many articles relating to the best interests of the child and abrogates all legislation to the contrary, in particular customary law (Circular A.P. 120 of 19 March 1931, entitled Customary Law of Dahomey) used until then for decisions concerning marriage, descent, parental authority, divorce and child custody, inheritance etc. Drawing on the principle of equality, this new legislation improves the legal situation of women and children in a number of areas, notably the steps to be taken to declare and register births, and conditions and procedures for adoption. Benin has also adopted many laws to strengthen the protection of children, including Act 98-004 on the Labour Code (articles 166 to 168 of which concern protection of children from exploitation), Act No. 2003-17 on the educational system, which incorporates the principle of education for all and confirms the dual apprenticeship system, Act No. 2003-03 on the suppression of female genital mutilation, Act No. 2006-19 on the suppression of sexual harassment and the protection of victims and Act No. 2011-26 on the prevention and suppression of violence against women.

44. Despite this progress, legal lacunae subsist. A bill of March 2013 on a children's code[25] has been elaborated but is still in the process of being adopted in the National Assembly. Once adopted, the text would provide a complete legal framework for the protection of children. The Special Rapporteur was surprised, however, about the reference in chapter III to children's duties, which she considers inappropriate.

45. The Special Rapporteur also noted that some persons responsible for the protection of children are poorly informed about legislation relating to the rights of children, and that the institutions and persons concerned (judges, social workers, police officers and labour inspectors) fail to apply those texts sufficiently.

[25] La première version avait été soumise au Parlement en décembre 2011.

2. Punishment of the sale and sexual exploitation of children

46. The Criminal Code in force in Benin is the *Recueil annoté de textes de droit pénal applicables en Afrique occidentale française* (annotated compilation of criminal law texts applicable in French West Africa), which stems from the Decree of 6 May 1877 (Bouvenet Code).[26] Today, this text is on the whole obsolete. In 1996, the Government of Benin began elaborating a draft criminal code. According to the Ministry of Justice, the latest version, dating from August 2013, is to be considered by the National Assembly in early 2014. The Special Rapporteur noted that this text and the future children's code should be harmonized. Pending the adoption of these two texts, Benin's legislation does not provide children with adequate protection against various forms of sale and sexual exploitation.

Sale of children

47. Legislation currently in force in Benin does not contain any provision on the sale of children. Articles 333 and 334 of the draft children's code provides for severe penalties for this crime, ranging from 5 to 10 years' imprisonment and a fine of between 500,000 and 5 million CFA francs. The Special Rapporteur noted, however, that the sale of children for illegal adoption has not been clearly defined and made punishable in the future code, which also does not provide for the establishment of an independent body responsible for overseeing the adoption process.

Trafficking in children

48. Act No. 2006-04 on conditions governing the placement of minors and the suppression of trafficking in children in Benin defines trafficking in children in conformity with the Palermo Protocol and prohibits trafficking in children for the purpose of prostitution and/or the production of pornography or for pornographic performances. It covers both internal and transnational trafficking in children. It also makes provision for harsh sentences, up to 20 years' imprisonment for the perpetrators and their accomplices and anyone who assists them. Penalties range from 6 months' imprisonment to life imprisonment and a fine of between 10,000 and 5 million CFA francs.

Child prostitution and child sex tourism

49. Article 34 of the Act on Violence against Women specifies that forced prostitution is punishable by 1 to 5 years' imprisonment and a fine of between 1 and 10 million CFA francs, and by at least 10 years' imprisonment if the victim is under 16 years of age. Article 334 of the Bouvenet Code stipulates that perpetrators of sexual exploitation of children under 21 years of age are liable to between 6 months and 5 years' imprisonment and a fine of between 4,000 and 10 million CFA francs. However, the definitions and sanctions relating to child prostitution are inappropriate. Pursuant to article 315 of the draft children's code, anyone who offers, obtains or uses a child for sexual purposes in exchange for remuneration or benefits of any other kind is liable to 5 to 10 years' imprisonment and a fine of between 2 million and 5 million CFA francs. Article 316 provides for the principle of extraterritoriality.

Child pornography

50. The only law that makes reference to child pornography is the 2006 Trafficking Act, which prohibits trafficking for the production of pornography and for pornographic

[26] Bouvenet, G.-J., *Recueil annoté des textes de droit pénal (code pénal, lois, décrets, arrêtés généraux) applicables en Afrique occidentale française*, Paris, Éditions de l'Union française, 1955.

performances. Pursuant to article 318 of the draft children's code, the production, distribution, dissemination, import, export, gift, sale or possession of any material depicting, by any means, a child engaged in explicit sexual activities, whether real or simulated, or the sexual organs of a child is punishable by 2 to 5 years' imprisonment and a fine of 2 million to 5 million CFR francs.

3. Prosecution and punishment of offenders

51. The Special Rapporteur expressed great concern that none of the judicial authorities was able to cite a sole indictment for sexual exploitation of children, although the phenomenon is recognized, and that they were able to cite very few indictments for child rape.

52. She was alarmed about the large number of cases of sexual abuse which do not lead to a conviction due to the failure of the judicial authorities to enforce the law but also because of out-of-court settlements. Fear and threats play a significant role. Most Beninese live in fear of "mystical powers" and do not dare report cases of abuse or exploitation. The Special Rapporteur was informed of many instances of reprisals for cases reported, even at the level of the Social Advancement Centres (staff members are said to have been transferred after they reported cases of sexual violence).

53. Even when complaints are lodged, they are often withdrawn and the authorities do not fulfil their obligation to prosecute. Several judges told the Special Rapporteur that it was preferable for some cases of sexual abuse to be settled in the family.

54. According to information provided by the Cotonou Court, only three cases of child rape were heard between January and October 2013 although, as indicated above, OCPM had received 52 complaints in the first six months of 2013. Of the 159 cases of trafficking received by OCPM in 2012, only 13 were taken to court. Witch doctors often are not reported or punished for fear that they will cast a spell. According to information received, two Lokossa witch doctors were brought before the prosecutor's office for unlawful confinement of children in convents, but no action was taken.

55. As to sexual violence in schools, a serious problem referred to by all stakeholders interviewed, the Special Rapporteur was alarmed to learn that in 2013, only two teachers had been sentenced to prison, one in connection with the abortion of a minor resulting in her death, and the other for the rape of a minor who became pregnant. Between 2011 and 2013, six teachers were prosecuted for sexual abuse resulting in pregnancy or for sexual harassment of schoolchildren, but they were only sentenced to a temporary suspension and, in some cases, to a suspension of salary,[27] although the sanctions under articles 331 to 333 of the Bouvenet Code range from imprisonment to forced labour for life. In the Special Rapporteur's view, the Decree of May 2012, which makes provision for sanctions to be imposed on perpetrators of sexual violence in schools, is absolutely inappropriate, since it only calls for suspension of employment and salary in cases of sexual abuse committed against schoolchildren.

56. The Special Rapporteur is very concerned about impunity and corruption, which greatly impede the application of the law. Several State officials admitted that they were sometimes subjected to pressure by political decision makers and community leaders.

[27] Informations fournies par le Ministère de l'enseignement secondaire.

C. Institutional framework for the protection of children

57. The Ministry of the Family, Social Affairs, National Solidarity, Persons with Disabilities and Older Persons is composed of several administrative directorates, including the Observatory of the Family, Women and Children, which is responsible for studies and documentation on questions relating to the family, women and children, and the Directorate of the Family, Children and Adolescence, which is tasked with elaborating and implementing assistance and social reinsertion programmes for children in difficult situations. In 2006, the Directorate set up a National Coordination and Monitoring Office for Child Protection and acts as its permanent secretariat. The Office coordinates and monitors action taken to promote the rights of children at national level, and its local branches monitor the rights of children at their level. The Special Rapporteur noted that the Office suffers from a lack of commitment by other ministries, which consider that only the Ministry of the Family has competence. It should be pointed out, however, that child protection concerns many ministries, and this affects the effective implementation of policies and strategies. Moreover, the members who take part in the meetings do not have decision-making power, which is a major obstacle to putting decisions into effect.

58. The Office is represented locally by departmental and district coordination and monitoring offices for the protection of children. However, the child protection policy is difficult to implement at local level because the departments and municipal councils often do not have budget allocations for this purpose. During her visits to a number of districts, the Special Rapporteur noted that some mayors were not interested in the question of child protection.

59. The Social Advancement Centres, which report to the Ministry of the Family, should play a key role in the protection of children, but they do not have the necessary resources. Their staff often works under very difficult conditions, and the Centres are not in a position to take in child victims. Many also regretted the lack of continuity due to constant change in personnel. The Special Rapporteur noted the presence in some Centres of legal assistants responsible for ensuring that legal action is taken in cases of sexual abuse or exploitation, a practice which she strongly encourages.

60. The Ministry of Justice and Human Rights, through its Human Rights Directorate, is responsible for the promotion and popularization of texts and the elaboration of periodic reports on the implementation of international instruments ratified by Benin. The Directorate for Legal Protection of Children and Young People is mandated to address legal and institutional questions relating to the protection of children and young people in conflict with the law or in moral danger. The centres for the protection of children and adolescents operating under the Directorate are tasked with sheltering children in conflict with the law who have been the subject of a judicial placement decision. These centres, such as the one in Applahoué, are not always operational. According to information received, there are only 10 juvenile judges in the entire country, including 2 in Cotonou. The juvenile judges only hear cases of children in conflict with the law, and not cases involving child victims, for which the president of the court has competence.[28] The children's code makes changes in this regard. The Special Rapporteur noted that the secondment of social workers to the courts is a good practice to promote.

61. The National Commission on Children's Rights, created in 1999, is under the authority of the Ministry of Justice, Legislation and Human Rights. It is responsible for the coordination, protection and promotion of children's rights. Chaired by the Minister of

[28] Sauf dans les cas où le Président délègue ces cas au juge pour mineurs (par exemple à Cotonou, à Calavi et à Abomey).

Justice and vice-chaired by the Minister of the Family, the Commission is composed of members of many other ministries and representatives of civil society appointed by order of the Minister of Justice. The departmental committees on children's rights, which are chaired by the prefects of the departments, are made up of the directors of the decentralized services of the member bodies of the Commission, which usually holds two annual sessions (and sometimes just one). However, the Special Rapporteur stressed that the Commission is not an independent body in line with the Paris Principles[29] and general comments No. 2 and No. 5 of the Committee on the Rights of the Child.[30] She encouraged the reform process under way in this regard.[31]

62. The Ministry of the Interior, Public Security and Worship, through OCPM and the police and gendarmerie, ensures the protection of endangered children (child victims and children in conflict with the law) and maintains a hotline (116 and 117). OCPM is present solely in Cotonou. The Government is planning to open offices in all departments in which the local police and the gendarmerie are carrying out that function for the moment. The police and the gendarmerie must work with very limited resources. Sometimes they do not even have the vehicles or petrol needed to take action when a perpetrator of abuse has been identified.

63. The Ministry of Nursery and Primary School Education and the Ministry of Secondary School Education initiate, prepare and propose educational policies, strategies and plans of action and oversee their implementation. The Ministry of Nursery and Primary School Education coordinates activities aimed at encouraging girls to attend school. The Ministry of Secondary School Education has set up counselling and monitoring offices for child victims of violence, but such facilities have not been systematically introduced in all schools.

64. The objective of the Ministry of Health is to implement the policies defined by the Government in the health field. One of its specialized bodies is a maternal and child health directorate, which coordinates activities relating to maternal and infant health and family planning.

65. The National Steering Committee to Combat Child Labour, set up in July 2008 within the Ministry of Labour and the Civil Service, is mandated to direct the elaboration of policies, to approve programmes to combat child labour and to coordinate, supervise, monitor and evaluate activities in this area. The Committee, which brings together 15 ministries, has technical commissions, including one on juvenile workers who are victims of sexual exploitation. However, the Special Rapporteur was told that the decisions taken at the meetings of this Committee are not always acted upon.

66. Given the weakness of State institutional capacities, the network of associations plays an important role in the protection of children, providing for virtually all non-custodial support, placement, accommodation, care and reintegration of children. The Special Rapporteur noted the large number of associations active in the protection of

[29] Résolution 48/134 de l'Assemblée générale du 20 décembre 1993.

[30] Respectivement sur «Le rôle des institutions nationales indépendantes de défense des droits de l'homme dans la protection et la promotion des droits de l'enfant» (CRC/GC/2002/2) et sur les «Mesures d'application générales de la Convention relative aux droits de l'enfant (art. 4, 42 et 44, par. 6)» [CRC/GC/2003/5].

[31] La Rapporteuse Spéciale a été informée que, suite à sa visite, le texte instituant la CNDE a été revu pour le rendre conforme aux principes de Paris. À l'issue des travaux, un nouveau projet de décret a été élaboré et soumis à l'approbation du Conseil des Ministres. Elle espère que cela ne donnera pas lieu à des doublons avec les futures sous-commissions de la Commission béninoise des droits de l'homme (Loi n°2012-36 du 15 février 2013).

children, with a great deal of goodwill, although sometimes with limited resources and insufficient coordination, complementarity and synergy.

Interministerial coordination

67. The Special Rapporteur noted that the proliferation of bodies involved in the protection of children seriously affects the effective implementation of policies, plans of actions and programmes.[12] She cited the example of duplication between the National Coordination Office, the National Commission on Children's Rights and the National Steering Committee to Combat Child Labour, and she encouraged a clarification of the mandates of the bodies concerned so as to rationalize and optimize resources.

D. Detection, childcare and monitoring policies and programmes

1. Policies, plans of action and programmes

68. In 2007, with technical assistance from UNICEF, Benin adopted its policy and strategies for the protection of children and a plan of action for the quinquennium 2008–2012. However, the Special Rapporteur noted that many objectives under this policy were not attained, including the introduction of a centralized information system; the establishment of a mechanism to monitor and evaluate the situation of children's rights; the effective capacity-building of State structures responsible for child protection, and the harmonization, adoption and implementation of legislation; and the availability and accessibility of basic social services and protection services. For a children's policy to be effective, decentralization policies must be effective and must have the requisite budgeting. In 2013, the Ministry of the Family launched the elaboration of a comprehensive child protection policy.

69. Benin has introduced many other policies and programmes relating to child protection, including the national policy for the comprehensive development of young children (2011), the national plan of action to eliminate the worst forms of child labour (2012–2015), the national policy and strategies for social protection (2004–2013), the national plan of action to combat trafficking in children for the purpose of exploiting their labour (2007) and also the national policy for the advancement of women, a political strategies document on the family, including the national plan of action for the family, the community-based national rehabilitation programme, the programme to strengthen social protection and promote national solidarity, and the programme for the promotion of the family and gender equality and equity. Without a reliable information and monitoring/evaluation system, it is not possible to assess the impact of these policies and programmes.

2. Detection, care and rehabilitation of children

70. Providing care and effective protection for children who are victims of sale, trafficking, abuse or sexual exploitation is a complex process that requires an interdisciplinary and holistic approach to ensure assistance, medical, psychological and legal support, rehabilitation/reintegration and monitoring for these children.

[12] Le Ministère du travail a par exemple reconnu dans son Plan d'action national que le manque de coordination entre les institutions actives dans la protection de l'enfant était un obstacle majeur (Plan d'action national pour l'élimination des pires formes de travail des enfants, 2012–2015, p. 22).

(a) Identification, and reporting and complaint mechanisms

71. The principal State bodies that receive complaints concerning child victims of violence, abuse, exploitation or trafficking are the Social Advancement Centres, OCPM, the police and gendarmerie and, in rare cases, health centres. According to many stakeholders interviewed, the obligation to report is not always complied with, and the lifting of medical confidentiality is not systematic. Like OCPM, the Social Advancement Centres have counselling services, but the procedures are not in accordance with international standards: the meeting rooms are not adapted to child victims, and a psychologist or social worker is not always present. The Special Rapporteur was also informed that the participation of children in the judicial process is not in conformity with international standards either, since the proceedings are not held in camera.

72. OCPM has a hotline (116 and 117), but the Special Rapporteur noted that it was not operational. No register is kept, and it was not possible to provide statistics on calls. According to information received, child victims do not know these numbers.

73. NGOs play an important role in the identification of victims. Plan International has set up a reporting system through SMS "Ushaidi" with a hotline number (+22996008484). According to children's associations, the Ushaidi system is functioning. However, the Special Rapporteur regretted that, for lack of resources, the police and the gendarmerie contacted by Plan International did not always take action. Salesian nuns have set up an "SOS Vidomégons Stall" at the Danktopa market. Two organizers circulate at the market and encourage and receive reports of abuse and exploitation. The Salesian nuns also have a hotline (7344) and work with a pool of lawyers and psychologists.

74. The Special Rapporteur noted with regret the serious limits in the reporting mechanisms made available to children and the frequent failure to take action on complaints. Officials active in the protection of children are often unfamiliar with legislation and even with the reporting protocol. In addition to a reluctance to report complaints due to cultural resistance and fear of reprisals, the complexity of procedures also often discourages reporting.

(b) Care and rehabilitation

75. The Special Rapporteur noted throughout her visit the many gaps in the system for providing care for child victims, starting with medical treatment, which is not always free. Even when the child is accompanied by a social worker in a health centre, the fees must be covered by the victim, including the medical certificate. According to many stakeholders interviewed, the health-care fund for the indigent is not working properly: health-care facilities refuse to cooperate, because the State does not reimburse them. Some associations have stepped in to provide care for child victims.

76. All stakeholders interviewed referred to the acute shortage of public childcare facilities, in particular shelters and transit centres for child victims. The only State childcare facility is the Reception and Transit Centre of OCPM. In 2012, it took in 777 children (483 girls and 294 boys). Police stations, particularly in remote departments and areas, rarely have facilities to take in child victims, who sometimes must stay for several days at the cost of the police themselves. In the absence of State bodies, many local and international associations provide comprehensive care for children in difficult situations and sometimes also ensure training, educational and occupational rehabilitation and family reintegration.

Associations have set up foster family networks. In some cases, reintegration is very difficult when the family rejects the child.[33]

77. These associations are usually unable to shelter many children and have very limited material and human resources. Very few NGOs have permanent multidisciplinary teams (social workers, teachers, psychologists, health-care workers, paralegals) with adequate training. Often dependent on donors, the associations cannot ensure programme continuity. They also encounter many difficulties when caring for children. According to information received, placement orders issued by the courts are subject to a charge of between 5,000 and 10,000 CFA francs per child.

78. The Special Rapporteur has noted that support for child victims is fragmented and that there is a considerable waste of resources because of considerable duplication and many gaps in the protection chain. Harmonization of practices and compliance with standards for the care of child victims are insufficient. Intervention protocols[34] should be put in place detailing the roles of each stakeholder. Despite the adoption of Decree No. 2012-416 establishing norms and standards applicable to the country's child reception and protection centres, many centres do not comply, and inspections are rare. The Special Rapporteur regrets that neither the social services nor the courts monitor these children.

E. Prevention, training and capacity-building

Preventive measures

79. Many preventive measures have been implemented in recent years by the Government, associations, international organizations and donor countries. These activities include dissemination and popularization of legislation on the protection of children, advocacy work (for birth registration, the fight against violence, abuse, exploitation, trafficking and sexually transmitted diseases, the promotion of school attendance, etc.), partnership agreements with community radio stations for the broadcast in local languages of programmes on trafficking in children, and the holding of days on questions relating to children. UNICEF has launched an awareness-raising initiative with heads of convents and has trained journalists on children's rights.

80. However, the Special Rapporteur regrets the lack of courses on sex education in school curricula. Such courses are included in life science and earth science curricula, but not until ninth grade, although at that age many young girls have already had their first pregnancy. Despite efforts by the Ministry of Health and the United Nations Population Fund in this regard, family planning programmes are limited.

81. It is regrettable that some forms of violence and exploitation persist due to certain sociocultural practices. The prevention of all forms of exploitation of children is a long-term effort that goes beyond mere awareness-raising campaigns. Effective prevention must attack the problems at the root, including vulnerability and factors linked to supply and demand.

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[33] L'enfant constituant dans certains cas la principale source de revenus ou ayant été vendu/placé par ses parents.

[34] La Rapporteuse spéciale a été informée après sa visite que la DPJEJ a inscrit dans son Plan de travail annuel pour 2014, l'élaboration et l'adoption de mécanismes de référencement des enfants victimes et témoins d'abus ou de violences et l'élaboration du plan de mise en œuvre avec l'appui technique et financier de l'UNICEF.

Training and capacity-building

82. For many years, numerous training workshops on the protection of children's rights have been regularly held for police officers, gendarmes, judges, social workers and teachers by various ministries, often with support from technical and financial partners, and by associations active in the area of children's rights. Despite all these efforts, stakeholders interviewed often stressed the insufficient qualifications of many persons working in the field of child protection. Many stakeholders referred to the adverse impact of frequent changes in personnel, in particular in the Social Advancement Centres, which is detrimental to ensuring continuity and building on progress made.

83. The Special Rapporteur underscored the importance of setting up a system to assess practices and progress made once training programmes are completed and of introducing measures to evaluate the impact of prevention programmes.

84. Without a specific and sustained commitment to child protection at the highest State level, any preventive and capacity-building measures will have only a very limited impact.

F. Participation of children

85. The Special Rapporteur welcomed the many initiatives for the participation of children which have been implemented in recent years in Benin, for example, consultative children's councils, children's village committees for development and child reporters. Children also host broadcasts on their rights on national and local radio stations.

86. The Special Rapporteur regrets that the Children's Parliament, which had been established in 2003, has been discontinued. She was informed that the Beninese Parliament has put forward a proposal to set up a youth parliament (18–25 years of age), but has expressed reservations about that initiative, which might use young people for political ends.

87. Despite occasional initiatives, real participation of children in the process of taking decisions affecting them is limited and their opinions are very rarely taken into account. In her meetings with organizations of children and young people, the Special Rapporteur noted that some children and young people were a force for change, positively influencing community leaders, traditional chiefs and religious leaders. The participation of children in the progressive identification and promotion of social practices and conduct that respect their rights should be encouraged.

G. Data collection

88. A standardized and centralized information system is a key tool for preventing and combating all forms of violence, abuse and exploitation of children. The Special Rapporteur welcomes the creation in 2007 of a database on children in need of special protection measures, managed by the Observatory of the Family, Women and Children. However, she regrets the inadequacy of collection tools on the ground and the failure to include certain situations in the database. She noted above all that data came only from bodies attached to the Ministry of the Family, but that there was no centralized information system covering all data relating to children which the various State authorities (the courts, the police, the Ministries of the Family, Health and Education, etc.) and relevant associations dispose of. She encouraged the ongoing process of reviewing the CHILDPRO database.

H. Monitoring, evaluation and oversight bodies

89. The Special Rapporteur noted during her visit that there was no independent national body to monitor children's rights. As pointed out earlier, the National Commission on Children's Rights, which is directly attached to the Ministry of Justice, is not an independent body. The Beninese Human Rights Commission, which was set up in 1989, encountered many problems, including the lack of legal provisions to ensure State funding. In 2004, it discontinued its activities entirely. In December 2012, Benin adopted legislation to establish a new national human rights body; the legislation was signed by the President of Benin in February 2013. The process of appointing its members has not begun, because the President has not yet signed the requisite implementing decree.

I. Social responsibility of the private sector

90. The Special Rapporteur was not informed of any initiative launched by the private sector for the protection of children, apart from occasional cooperation of the Department of Tourism with private tour operators. During her visit, she stressed the importance of developing partnerships with the private sector, including with tour operators, Internet access providers and telecommunications companies, which might, for example, ensure sustainable funding for emergency hotlines for child victims of all forms of violence, abuse or exploitation.

J. Regional and international cooperation

91. Benin has concluded many bilateral and multilateral agreements with the countries of the western and central African subregion, in particular on combating trafficking in children in western Africa.

92. For many years, technical and financial partners and the major international NGOs have been supporting many projects for the development, promotion and protection of children's rights and prevention, awareness-raising and training initiatives in most State institutions. Although initiatives have on occasion been successful, the Special Rapporteur noted dissatisfaction with the limited overall results of these investments. In this connection, she encourages the creation of a system of cross-compliance and of performance and impact indicators. She noted a lack of coordination between the stakeholders involved in the country's development. Although a joint programming process has been initiated in the United Nations Country Team in Benin, work continues to focus on a "project" logic, whereas a strategic joint programming framework would enable the Country Team to better respond to national priorities and would strengthen the impact of action taken and avoid duplication.

IV. Conclusions and recommendations

A. Conclusions

93. **The Special Rapporteur noted that the protection of children is not a priority on Benin's political agenda. She expressed her deep concern about the relative social tolerance towards violence and exploitation involving children and the impunity of the perpetrators of these crimes. Today many children are victims of sale, trafficking and economic and sexual exploitation. However, the true scale of these phenomena is difficult to gauge due to weak reporting and to recourse to out-of-court settlements.**

The number of cases of violence and of economic and sexual exploitation involving girls is particularly alarming. The Special Rapporteur expressed alarm about sexual violence involving schoolgirls and the growing number of early pregnancies. It is unacceptable that girls are abused with impunity in schools, which are supposed to provide an educational and protective environment.

94. Although Benin has many laws relating to the protection of children, they are ineffectively implemented due to difficulties of access for children to recourse mechanism guaranteeing their protection and safety, as well as corruption and impunity.

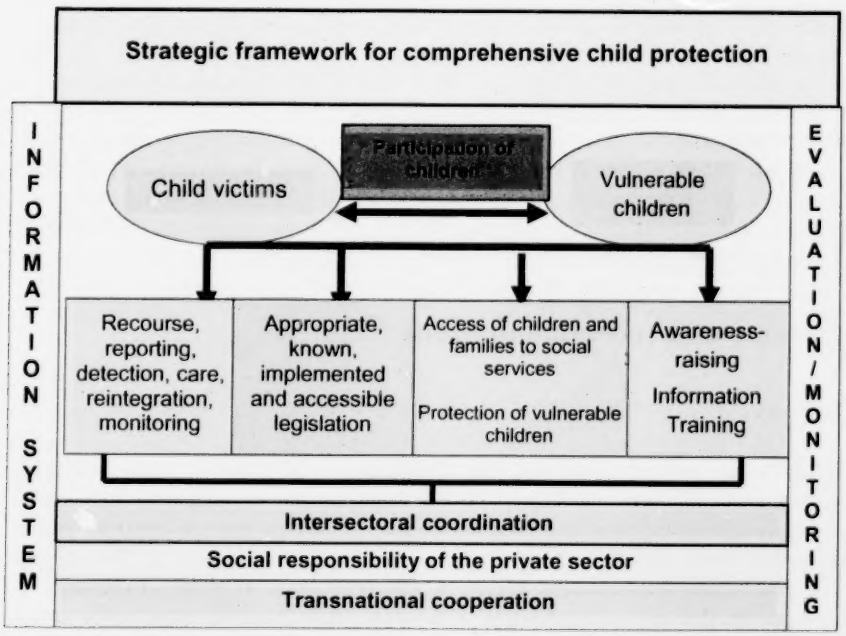
95. Many mechanisms and actions for child protection have been put in place at central and local level, but most are dysfunctional or insufficient, notably because of a lack of resources. Despite the commitment of certain parties, initiatives undertaken to protect children continue to be isolated, uncoordinated and unsustainable, since they are dependent on partners.

96. The Special Rapporteur stressed the need for a shift from a project focus to a genuine comprehensive child protection strategy with local protection mechanisms readily accessible to all children and equipped with the necessary human and financial resources.

B. Recommendations

97. In a spirit of dialogue and cooperation, the Special Rapporteur would like to formulate the following recommendations.

98. In order to ensure an effective and sustainable protection of all children against all forms of violence, abuse and exploitation, the Special Rapporteur urges the Government to adopt a cross-cutting approach centred on children's rights and which aims to put in place an overarching strategic framework for comprehensive child protection.



99. **To this end, the Special Rapporteur recommends that the Government ensure the effective application of laws by:**

(a) Accelerating the reform process to bring the national legal framework into line with international standards and address the shortcomings in some of the legislation on child protection, notably by adopting the children's code;

(b) Effectively combating corruption and impunity and fully applying the laws in force, which impose severe penalties for perpetrators of child sexual exploitation;

(c) Accelerating judicial procedures;

(d) Guaranteeing the protection and safety of children in legal proceedings, ensuring confidentiality and preventing the re-victimization of child victims;

(e) Establishing mechanisms to regularly monitor the implementation of laws.

100. **She also recommends that the capacities and governance of central and local bodies should be strengthened by:**

(a) Clarifying the mandates of bodies active in the protection of children, and establishing intersectoral coordination mechanisms in order to avoid overlap and optimize resources;

(b) Introducing good governance mechanisms at central and local level through the establishment of accountability and monitoring-evaluation mechanisms;

(c) Concluding partnership agreements between the public authorities and NGOs, and clarifying the roles and commitments of the parties concerned, resources, timetables and monitoring procedures.

101. **She also recommends that the Government set up comprehensive protection systems for all children, without discrimination, by:**

(a) Encouraging reporting by disseminating and simplifying reporting forms and mechanisms and by establishing redress mechanisms easily accessible to children and guaranteeing their protection and safety;

(b) Putting in place a child referencing system which everyone is familiar with and applies;

(c) Strengthening the Social Advancement Centres by granting them the necessary means and resources to ensure that they are fully effective;

(d) Ensuring that placement orders are not subject to a fee;

(e) Strengthening child crisis centres;

(f) Promoting capacity-building for child protection institutions;

(g) Ensuring the implementation of standards relating to child placement centres and foster family arrangements;

(h) Systematizing in-service and interdisciplinary training for professionals working with child victims and children at risk;

(i) Introducing alternative forms of sustainable reintegration for street children, working children and children exploited through prostitution;

(j) Regularly monitoring children.

102. **She recommends the implementation of effective and sustainable preventive measures by initiating or strengthening:**

(a) Integrated local development plans to improve the living conditions and standards of vulnerable populations and provide vulnerable children and families with equitable access to social and protection services;

(b) Social protection and support strategies for families facing hardship, through administrative and legal assistance, support and parental guidance;

(c) Strategies promoting social norms that protect children, with the involvement of families, communities and their leaders;

(d) Awareness-raising programmes closely involving the media, social networks, associations, the private sector and, in particular, children's and young people's organizations;

(e) Identification of children at risk on the street, as well as inspection of markets, bars, restaurants, discotheques and Internet cafés;

(f) Appropriate sex education from the end of primary school;

(g) Programmes for child protection on the Internet, in partnership with the private sector.

103. **The participation of children should be encouraged and systematized by:**

(a) Providing children with access to easily comprehensible information;

(b) Ensuring that children's views are taken into account in decisions affecting them;

(c) Supporting children's and young person's activities and organizations to ensure that children are more effectively equipped to protect themselves and their peers.

104. **For improved knowledge of the scale of these phenomena and related developments, the Special Rapporteur recommends:**

(a) The establishment of a centralized, standardized and reliable information-gathering and processing system to collect data disaggregated by age, sex, background and status, and giving a clear description of the crime committed against the child;

(b) The conduct of studies and/or research activities to more effectively determine scale, trends, causes and demand, and risk factors for children.

105. **The Special Rapporteur recommends that the Government ensure the establishment and smooth functioning of a children's rights recourse and monitoring body in line with international standards and guaranteeing:**

(a) Easy access for all children without discrimination;

(b) The evaluation of programmes and strategies and of their impact on the situation of children and their rights;

(c) The promotion and monitoring of the implementation of the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and of other relevant international and regional instruments.

106. **It would be useful to strengthen the social responsibility of the private sector by:**

(a) Developing public/private partnerships, in particular with the tourism and travel sector, Internet access providers, telecommunications companies, transport-sector unions and the media;

(b) Encouraging all hotels, tour operators and transporters to sign the Code of Conduct in order to combat child sex tourism;

(c) Encouraging Internet access providers to support hotlines and develop online child protection programmes.

107. **Lastly, in order to strengthen regional and international cooperation and effectively combat these activities, which transcend borders:**

(a) The Government should strengthen its efforts to share information and cooperate with the police and judicial authorities with the aim of: (i) identifying more child victims and providing input into the INTERPOL database; (ii) arresting the perpetrators of the crimes; and (iii) dismantling child sale and trafficking rings;

(b) The United Nations bodies and technical and financial partners should put in place a coordination framework in order to ensure synergy, consistency and complementarity between the various actions carried out.